



U.S. Department of Justice

Environment and Natural Resources Division

Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611

Telephone (202) 514-1308
Facsimile (202) 616-6584
randall.stone@usdoj.gov

March 30, 2012

**FILED AND SERVED BY THE COURT'S
ELECTRONIC CASE FILING SYSTEM**

The Honorable William C. Griesbach
United States District Judge
Eastern District of Wisconsin

Re: *United States and the State of Wisconsin v. NCR Corp., et al.*,
Case No. 10-C-910 (E.D. Wis.)

Dear Judge Griesbach:

On February 9, 2012, the Court granted the United States' request to defer oral argument on the Plaintiffs' Joint Motion to Enter the Proposed Consent Decree with Brown County, the City of Green Bay, and Settling Federal Agencies (the "Joint Motion"). That request was made to afford the United States time to assess its options in response to the Court's order in a related Freedom of Information Act lawsuit brought against the United States by Menasha Corporation ("Menasha") and the Neenah-Menasha Sewerage Commission ("NMSC") (the "*Menasha* FOIA Ruling"). In a February 6, 2012, letter to the Court, the United States specifically requested that oral argument on Plaintiffs' Joint Motion be deferred "until at least April 2, 2012," and advised the Court that, after the trial in the *Whiting* case, the United States and the State of Wisconsin would "report to the Court with a proposal for any action on the Proposed Consent Decree after April 2, 2012."

The United States filed a Notice of Appeal of the *Menasha* FOIA Ruling on March 26, 2012. By this letter, the United States now respectfully requests that oral argument, or other action, on Plaintiffs' Joint Motion be deferred pending final resolution of the United States' appeal of the *Menasha* FOIA Ruling. The United States will keep the Court informed of significant developments in that appeal.

The State of Wisconsin joins the United States in making this request. Counsel for Menasha and NMSC also have informed the undersigned counsel for the United States that they support this request to defer oral argument, or other action, on the Joint Motion pending final resolution of the United States' appeal of the *Menasha* FOIA Ruling. The United States, Menasha, and NMSC have reached a related agreement that the documents covered by

the *Menasha* FOIA Ruling will not need to be produced while the appeal is pending, as reflected in a Stipulation that will be filed in the *Menasha* FOIA case.

Respectfully submitted,

A handwritten signature in blue ink that reads "Randall M. Stone". The signature is written in a cursive, flowing style.

Randall M. Stone
Senior Attorney